

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROGER WILSON,)	
)	
Petitioner,)	Civil Action No. 09 - 937
)	
v.)	District Judge Joy Flowers Conti
)	
MR. WASHINGTON,)	
)	
Respondent.)	
)	

ORDER

On July 17, 2009, the above captioned case was initiated by the filing of a petition for writ of habeas corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge's report and recommendation filed on June 22, 2010, recommended that the petition for writ of habeas corpus be dismissed without prejudice for lack of jurisdiction. The petitioner was served with the report and recommendation and was advised he was allowed until July 9, 2010 to file written objections to the report and recommendation. On July 21, 2010, the Court *sua sponte* granted Petitioner an extension until August 1, 2010 to file any objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 18th day of October, 2010;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED** for lack of jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 17) dated June 22, 2010, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Roger Wilson
09160068
FCI Cumberland
PO Box 1000
Cumberland, MD 21502